IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.77 OF 2006

Mrs.Pushpa Dilip Bagade ...Petitioner.
Versus
Shri.Dilip Damodar Bagade
and Anr. ...Respondents.

....

Mr.V.P.Patil, Advocate for the Petitioner.
Mr.M.S.Karnik, Advocate for Respondent No.1.
Mrs.M.M.Deshmukh, APP, for the State-R.2.

....

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : AUGUST 28, 2006.
(IN CHAMBER)

P.C.:

1. Heard Mr.Patil learned Advocate for the petitioner, Mr.Karnik learned Advocate for Respondent No.1-original complainant and Mrs.Deshmukh, learned APP for Respondent No.2-State.

2. The petitioner is seeking quashing of process issued in CC No.320/2001 which is pending before the learned J.M.F.C., Court No.3, Nashik. In the said case, process was issued against the

petitioner under Section 494 of the Indian Penal Code.

3. In view of the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode, reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned Counsel for the petitioner makes a statement that the necessary revision will be preferred within a period of four weeks from today. In view of this statement, the proceedings in respect of the petitioner are stayed for a period of four weeks from today.

5. In case, the revision is preferred within a period of four weeks from today, the learned

Sessions Judge shall dispose of the matter on merits after hearing the necessary parties. Mr.Karnik learned Counsel for Respondent No.1-original complainant fairly states that no objection would be raised in respect of delay in filing revision before the concerned Sessions Court.

6. Criminal Writ Petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)